

SCHEDULES

SCHEDULE 1

Section 11

RECOVERY OF BENEFITS ETC FROM PAYMENTS AND RECOVERY OF PAYMENTS

PART 1

RECOVERY OF BENEFITS ETC FROM SCHEME PAYMENTS

Recovery of benefits etc from scheme payments: England and Wales and Scotland

- 1 The Social Security (Recovery of Benefits) Act 1997 is amended as follows.
- 2 In section 1(2)—
 - (a) omit the word “or” at the end of paragraph (a);
 - (b) at the end of paragraph (b) insert “, or
 - (c) under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014);”.
- 3 After section 8 insert—

“8A Reduction of payment under Diffuse Mesothelioma Payment Scheme

- (1) This section applies instead of section 8 in a case where the compensation payment is a payment under the Diffuse Mesothelioma Payment Scheme.
- (2) The gross amount of the compensation payment—
 - (a) is to be reduced by the amount of the recoverable benefit, and
 - (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment.
- (3) Any claim of a person to receive the compensation payment is to be treated for all purposes as discharged if—
 - (a) the person is paid the gross amount of the compensation payment less the amount of the recoverable benefit, or
 - (b) the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment and the person is given a statement by the scheme administrator saying that the compensation payment has been reduced to nil.”
- 4 In section 10 after subsection (3) insert—

“(4) The scheme administrator of the Diffuse Mesothelioma Payment Scheme may not apply for a review under this section.”
- 5 In section 11(2) after paragraph (b) insert—

Status: This is the original version (as it was originally enacted).

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this section.”

6 In section 13(2) after paragraph (c) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this section.”

7 In section 29 at the end insert—

““scheme administrator”, in relation to the Diffuse Mesothelioma Payment Scheme, has the meaning given by section 18 of the Mesothelioma Act 2014.”

8 In the following provisions after “section 8” insert “or 8A”—

section 9(1), (2), (3)(a) and (4)(a);
 section 11(2)(b);
 section 13(2)(c);
 section 14(4)(a);
 section 19(3)(b);
 section 20(4)(a);
 section 21(1) and (5)(a).

Recovery of benefits etc from scheme payments: Northern Ireland

9 The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 ([S.I. 1997/1183 \(N.I. 12\)](#)) is amended as follows.

10 In Article 2(2) at the appropriate place insert—

““scheme administrator”, in relation to the Diffuse Mesothelioma Payment Scheme, has the meaning given by section 18 of the Mesothelioma Act 2014.”

11 In Article 3(2)—

- (a) omit the word “or” at the end of sub-paragraph (a);
- (b) at the end of sub-paragraph (b) insert “, or
- (c) under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014);”.

12 After Article 10 insert—

“10A Reduction of payment under Diffuse Mesothelioma Payment Scheme

- (1) This Article applies instead of Article 10 in a case where the compensation payment is a payment under the Diffuse Mesothelioma Payment Scheme.
- (2) The gross amount of the compensation payment—
 - (a) is to be reduced by the amount of the recoverable benefit, and
 - (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment.
- (3) Any claim of a person to receive the compensation payment is to be treated for all purposes as discharged if—

Status: This is the original version (as it was originally enacted).

- (a) the person is paid the gross amount of the compensation payment less the amount of the recoverable benefit, or
 - (b) the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment and the person is given a statement by the scheme administrator saying that the compensation payment has been reduced to nil.”
- 13 In Article 12 after paragraph (3) insert—
 - “(4) The scheme administrator of the Diffuse Mesothelioma Payment Scheme may not apply for a review under this Article.”
- 14 In Article 13(2) after sub-paragraph (b) insert—
 - “but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this Article.”
- 15 In Article 15(2) after sub-paragraph (c) insert—
 - “but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this Article.”
- 16 In the following provisions after “Article 10” insert “or 10A”—
 - Article 11(1), (2), (3)(a) and (4)(a);
 - Article 13(2)(b);
 - Article 15(2)(c);
 - Article 16(4)(a);
 - Article 21(3)(b);
 - Article 22(4)(a);
 - Article 23(1) and (5)(a).

PART 2

RECOVERY OF SCHEME PAYMENTS FROM COMPENSATION

Recovery of scheme payments from compensation: England and Wales and Scotland

- 17 (1) Section 1A of the Social Security (Recovery of Benefits) Act 1997 is amended as follows.
 - (2) In subsection (2)—
 - (a) omit the word “and” at the end of paragraph (b), and
 - (b) at the end of paragraph (c) insert “, and
 - (d) a payment under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014),

(but this subsection does not apply to a payment within paragraph (d) in a case where the compensation payment is itself such a payment).”
 - (3) In subsection (4)(a) for the words from “by or” to “extent” substitute “as specified in section 1(2)(a) or (c)”.

Status: This is the original version (as it was originally enacted).

Recovery of scheme payments from compensation: Northern Ireland

- 18 (1) Article 3A of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183 (N.I. 12)) is amended as follows.
- (2) In paragraph (2)—
- (a) omit the word “and” at the end of sub-paragraph (b), and
 - (b) at the end of sub-paragraph (c) insert “, and
 - (d) a payment under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014),
- (but this paragraph does not apply to a payment within sub-paragraph (d) in a case where the compensation payment is itself such a payment).”
- (3) In paragraph (4)(a) for the words from “by or” to “extent” substitute “as specified in Article 3(2)(a) or (c)”.

PART 3

INFORMATION SHARING

- 19 In section 23 of the Social Security (Recovery of Benefits) Act 1997 after subsection (6) insert—
- “(6A) The following persons must give the Secretary of State the prescribed information for the purposes of this Act—
- (a) the scheme administrator of the Diffuse Mesothelioma Payment Scheme, and
 - (b) any person providing services to the scheme administrator.”
- 20 In Article 25 of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183) (N.I. 12) after paragraph (6) insert—
- “(6A) The following persons must give the Department the prescribed information for the purposes of this Order—
- (a) the scheme administrator of the Diffuse Mesothelioma Payment Scheme, and
 - (b) any person providing services to the scheme administrator.”
- 21 In section 3 of the Social Security Act 1998 (use of information) at the end of subsection (1A) insert—
- “(f) the Diffuse Mesothelioma Payment Scheme.”

SCHEDULE 2

Section 12

EXCLUSION OF PAYMENTS UNDER OTHER LEGISLATION

Exclusion of payments under other legislation: England and Wales and Scotland

- 1 In section 2 of the Pneumoconiosis etc (Workers’ Compensation) Act 1979—
- (a) at the end of subsection (1)(b) (but before the “and”) insert—

Status: This is the original version (as it was originally enacted).

- “(ba) that no application has been made for a payment under the Diffuse Mesothelioma Payment Scheme in respect of the disease (for the scheme, see the Mesothelioma Act 2014);”;
- (b) at the end of subsection (2)(c) (but before the “and”) insert—
- “(ca) that no application has been made by the deceased, or any dependant, for a payment under the Diffuse Mesothelioma Payment Scheme in respect of the disease (for the scheme, see the Mesothelioma Act 2014);”.
- 2 In section 47(3) of the Child Maintenance and Other Payments Act 2008 after paragraph (b) insert—
- “(ba) a payment under the Diffuse Mesothelioma Payment Scheme (for the scheme, see the Mesothelioma Act 2014);”.

Exclusion of payments under other legislation: Northern Ireland

- 3 The Pneumoconiosis, etc., (Workers’ Compensation) (Northern Ireland) Order 1979 (S.I. 1979/925 (N.I. 9)) is amended as follows.
- 4 In Article 3(3) at the end of sub-paragraph (b) (but before the “and”) insert—
- “(ba) that no application has been made for a payment under the Diffuse Mesothelioma Payment Scheme in respect of the disease (for the scheme, see the Mesothelioma Act 2014);”.
- 5 In Article 4(3) at the end of sub-paragraph (c) (but before the “and”) insert—
- “(ca) that no application has been made by the deceased, or any dependant, for a payment under the Diffuse Mesothelioma Payment Scheme in respect of the disease (for the scheme, see the Mesothelioma Act 2014);”.
- 6 In section 2(3) of the Mesothelioma, etc., Act (Northern Ireland) 2008 (c. 9) after paragraph (b) insert—
- “(ba) a payment under the Diffuse Mesothelioma Payment Scheme (for the scheme, see the Mesothelioma Act 2014);”.